

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

**STATE OF TEXAS,  
STATE OF KANSAS,  
STATE OF LOUISIANA,  
STATE OF INDIANA,  
STATE OF WISCONSIN, and  
STATE OF NEBRASKA**

Plaintiffs,

v.

**UNITED STATES OF AMERICA,  
UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,  
THOMAS E. PRICE, M.D., in his official  
capacity as SECRETARY OF HEALTH  
AND HUMAN SERVICES, UNITED  
STATES INTERNAL REVENUE  
SERVICE, and JOHN KOSKINEN, in  
his official capacity as COMMISSIONER  
OF INTERNAL REVENUE**

Defendants.

Case No. 7:15-cv-00151-O

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**MOTION FOR EXTENSION OF TIME  
AND TO MODIFY SCHEDULING ORDER**

1. Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), Defendants hereby move for an extension of time to file Defendants’ Motion for Summary Judgment and Response to Plaintiffs’ Motion for Summary Judgment. Defendants’ brief is currently due May 5, 2017. Defendants ask this court to extend this deadline by thirty-one (31) days to June 5, 2017. The extension is requested in light of recent and possible legislative developments, including the May 4, 2017 vote by the U.S. House of Representatives to pass H.R. 1628, the American Health Care Act of 2017 (AHCA) which, if passed by the Senate and signed by the President in its current or a

substantially similar form, would eliminate the Health Insurance Providers Fee (HIPF). If the AHCA or a similar bill that eliminated the HIPF were enacted, that would render moot Plaintiffs' challenge in this case and eliminate the need for the Court or the parties to take further action with respect to briefing and consideration of summary judgment motions. At a minimum, it would alter substantially the issues remaining before this Court. Moreover, there is no urgency to Plaintiffs' motion for summary judgment, because, as part of its December 2015 budget deal, Congress placed a moratorium on the HIPF for the 2017 calendar year. *See Consolidated Appropriations Act, 2016, Pub. L. No. 114-113, Div. P, Title II, § 201, 129 Stat. 2242 (2015).*

2. The Court's most recent scheduling order (ECF No. 58) provides for several subsequent deadlines. Accordingly, in addition to extending the time for Defendants to file Defendants' Motion for Summary Judgment and Response to Plaintiffs' Motion for Summary Judgment, Defendants also respectfully request that the Court extend each of the remaining subsequent deadlines by the same amount of time (31 days), as follows:

<b>Document</b>	<b>Current Deadline</b>	<b>Proposed Deadline</b>
Defendants' Motion for Summary Judgment and Response to Plaintiffs' Motion for Summary Judgment	May 5, 2017	June 5, 2017
Plaintiffs' Reply in Support of Summary Judgment and Response to Defendants' Motion for Summary Judgment	May 26, 2017	June 26, 2017
Defendants' Reply in Support of Summary Judgment	June 12, 2017	July 13, 2017
Expert Objection Deadline	June 12, 2017	July 13, 2017

3. Defendants have conferred with counsel for Plaintiffs regarding this motion, who indicated that Plaintiffs oppose this motion. Accordingly, in the event this Court denies this motion, Defendants request a brief extension of three (3) business days from the date of the Court's order for filing of Defendants' Motion for Summary Judgment and Response to Plaintiffs' Motion for Summary Judgment.

4. A proposed order is attached.

Dated: May 4, 2017

Respectfully submitted,

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Civil Division

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SHEILA M. LIEBER  
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/s/ Julie Straus Harris  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was submitted on May 4, 2017 with the clerk of the court for the U.S. District Court, Northern District of Texas, via the electronic case filing system. I also certify that a copy of this document was served upon all parties, or their attorneys of record, by electronic delivery on this day.

/s/ Julie Straus Harris  
JULIE STRAUS HARRIS